

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-MC-00160-MOC-DSC

In re Application of

ELLIOTT ASSOCIATES L.P., ELLIOTT
INTERNATIONAL L.P., AND THE LIVERPOOL
LIMITED PARTNERSHIP,

Petitioners, for an Order Pursuant to 28 U.S.C. § 1782
for Leave to Conduct Discovery for Use in a Foreign
Proceeding.

**ORDER GRANTING EX PARTE APPLICATION FOR AN ORDER PURSUANT TO
28 U.S.C. § 1782 TO CONDUCT DISCOVERY
FOR USE IN A FOREIGN PROCEEDING**

This matter came before the Court upon the application of Elliott Associates L.P., Elliott International L.P., and the Liverpool Limited Partnership (“Elliott,” the “Elliott Entities,” or “Petitioners”), for an Order authorizing Petitioners to obtain certain limited discovery under 28 U.S.C. § 1782 (the “Application”).

The Court, having considered the Application and the supporting Memorandum of Law, Declarations and Exhibits,

HEREBY ORDERS that:

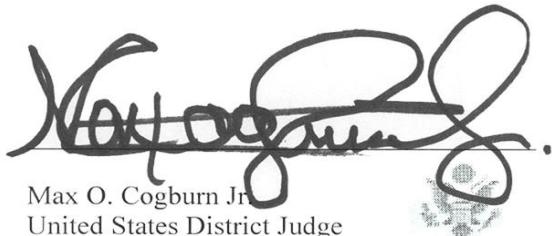
1. The Application is GRANTED;
2. Petitioners are authorized to take discovery from Bank of America Corporation (“Respondent” or “Bank of America”), which is found in this District, by issuing a subpoena seeking the production of documents in the form attached to the Loft Declaration as Exhibit A (the “Subpoena”);

3. Respondent shall produce the requested documents within thirty (30) days of service of the Subpoena (together with a copy of this Order), or such other dates as agreed between the parties, and in conformity with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Western District of North Carolina. The entry of this Order does not foreclose Respondents from seeking relief under Rule 26 or Rule 45, if appropriate. Any Rule 45 objections shall be served on all parties and counsel of record within ten days after service of the Subpoena; and

4. Respondent shall appear for a Rule 30(b)(6) deposition in compliance with the Subpoena on a mutually agreeable date within a reasonable time after Respondent confirms the final production of documents in response to the Subpoena; and

5. Until further Order by this Court, Respondent shall preserve all documents, electronic or otherwise, and any evidence in its possession, custody or control that contain information potentially relevant to the subject matter of the foreign proceeding at issue in the Application.

Signed: August 11, 2021



The image shows a handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge